

## P A T E N T

UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gust H. Bardy et al. Confirmation No.: 2603

Serial No.: 09/940,378 Examiner: K. Mullen

Filing Date: August 27, 2001 Group Art Unit: 3766

Docket No.: 1201.1112101 Customer No.: 21691

For: BIPHASIC WAVEFORM ANTI-BRADYCARDIA PACING FOR A  
SUBCUTANEOUS IMPLANTABLE CARDIOVERTER-DEFIBRILLATORRECEIVED  
CENTRAL FAX CENTER

MAY 17 2006

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBLIGATE DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT (37 C.F.R. § 1.321(c))
**CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office  
 at 571-273-8300 on the date shown below.

Kathleen I. Bockley

Type or print name of person signing certification

Kathleen I. Bockley

Signature

May 17, 2006

Date

Dear Sir:

The owner, CAMERON HEALTH, INC., full of interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,856,835. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

Appl. No. 09/940,378  
Term. Discl. dated May 17, 2006  
Reply to Office Action of February 22, 2006

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as "the term of the prior patent is presently shortened by any terminal disclaimer," in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

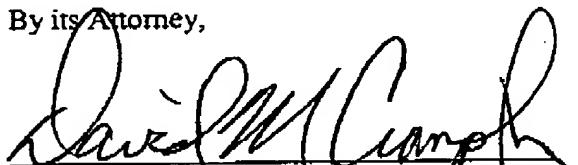
The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$65 (small entity) to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

CAMERON HEALTH, INC.

By its Attorney,



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Date: 5/17/06